UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BALJINDER SINGH,

Plaintiff,

-against-

MARRIOTT INTERNATIONAL, INC., MARRIOTT HOTEL SERVICES, INC., 'JOHN DOE', and 'JOHN DOE' BUSINESS COMPANY,

Defendants.

---X

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Docket No.:

Defendants, MARRIOTT INTERNATIONAL, INC. and MARRIOTT HOTEL SERVICES, INC., in the above-captioned action which was commenced in the Supreme Court of the State of New York, County of New York, give notice that they are removing this action from the Supreme Court of the State of New York, County of New York, to this Court pursuant to 28 U.S.C. §1441.

1. A civil action has been commenced and is now pending against the defendants in the Supreme Court of the State of New York, County of New York, which action is entitled BALJINDER SINGH v. MARRIOTT INTERNATIONAL, INC., MARRIOTT HOTEL SERVICES, INC., 'JOHN DOE' and 'JOHN DOE' BUSINESS COMPANY, bearing Index Number 151154/2017. Plaintiff claims in the Complaint that he was caused personal injury when he was allegedly assaulted on February 5, 2016 while he was in a car outside The Algonquin Hotel on West 44th Street, New York, New York 10036. Plaintiff has also named a "John Doe" defendant and "John Doe Business Company", and has set forth in the Complaint, that plaintiff does not know the name nor residence of the "John Doe" and "John Doe Business Company" but believes that there was an "employment relationship" with either defendant

MARRIOTT INTERNATIONAL, INC. or MARRIOTT HOTEL SERVICES, INC. No identifying information has been provided as to either the "John Doe" individual or "John Doe Business Company". The defendants deny that the purported "John Doe" individual and/or "John Doe Business Company" were employed by either MARRIOTT INTERNATIONAL, INC. or MARRIOTT HOTEL SERVICES, INC. and deny any business relationship.

2. On February 22, 2017, the plaintiff effectuated service on MARRIOTT INTERNATIONAL, INC. and MARRIOTT HOTEL SERVICES, INC. by serving the agent of the defendants with a copy of the Complaint. On February 23, 2017, the defendants received a copy of the Summons and Complaint. A copy of the Summons and Complaint is annexed hereto as **Exhibit "1"**. This Summons and Complaint constitutes copies of all initial process, pleadings and other papers served upon the defendants in this action to date.

3. The above-described action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendants under 28 U.S.C. §1332 and 28 U.S.C. §1441 in that:

a) Upon information and belief, and as set forth in the Complaint of the plaintiff, the plaintiff is a citizen and resident of the State of New Jersey.

b) Defendant, MARRIOTT INTERNATIONAL, INC., is incorporated in the State of Delaware with its principal place of business in the State of Maryland.

c) Defendant, MARRIOTT HOTEL SERVICES, INC., is incorporated in the State of Delaware with its principal place of business in the State of Maryland.

d) The citizenship of defendants sued under fictitious names such as "John Doe" defendants is disregarded when named defendants attempt to remove a case to Federal Court pursuant to 28 U.S.C. §1441(a).

e) Upon information and belief, the amount in controversy sought by plaintiff, although disputed by the defendants, exceeds $75,000.00, exclusive of interest and costs. The plaintiff's Complaint demands judgment against the defendants for claims that "…plaintiff has sustained a serious personal injuries including, but not limited to, a fractured vertebra in his neck." Additionally, in paragraph 16 of the Complaint plaintiff contends "Plaintiff seeks compensatory and punitive damages against the defendants in the sum exceeding the sum that could be awarded by the lower Courts that would have otherwise have jurisdiction over this action."

The defendants have and continue to deny the allegations and dispute all of the alleged claimed injuries.

f) Initial pleadings in this matter were initially received by Marriott International, Inc. and Marriott Hotel Services, Inc. on February 23, 2017.

g) The incident in question took place in the roadway in front of 59 West 44th Street, New York, New York 10036.

4. Accordingly, the parties are of diverse citizenship, the amount in controversy exceeds $75,000.00 exclusive of interest and costs, the removal application is timely, and federal jurisdiction is appropriate pursuant to 28 U.S.C. §1332.

WHEREFORE, the defendants, MARRIOTT INTERNATIONAL, INC. and MARRIOTT HOTEL SERVICES, INC., give notice that the above-captioned action now pending against them in the Supreme Court of the State of New York, County of New York, is removed to this Court.

DATED: Syosset, New York
March 13, 2017

Yours, etc.,

GREGORY E. BROWER (GB-7780)
CHESNEY & NICHOLAS, LLP
Attorneys for Defendants
MARRIOTT INTERNATIONAL, INC. and
MARRIOTT HOTEL SERVICES, INC.
485 Underhill Blvd. Suite 308
Syosset, New York 11791
(516) 378-1700

TO: KRAUSE & ASSOCIATES, P.C.
Attorneys for Plaintiff
Office & P.O. Address
45 Broadway ~ 27th Floor
New York, NY 10006
(212) 269-7000 (Phone)

MAR146/GEB/ct

EXHIBIT "1"

FILED: NEW YORK COUNTY CLERK 02/03/2017 02:25 PM INDEX NO. 151154/2017
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 02/03/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
---X
BALJINDER SINGH,

Plaintiff,

-against-

MARRIOTT INTERNATIONAL INC., MARRIOTT HOTEL SERVICES, INC, 'JOHN DOE', and 'JOHN DOE' BUSINESS COMPANY,

Defendants.

---X

INDEX #: 151154/2017
Date Purchased: 2/3/2017
SUMMONS

Plaintiff designates New York County as the place of trial.

The basis of venue is Marriott International Inc.'s principal place of business in this state.

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
February 3, 2017

Yours, etc.,

Krause & Associates, P.C.
By Leonid Krimsky, Esq
Attorneys for Plaintiff
45 Broadway – 27th Floor
New York, New York 10006
(212) 269-7000

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Defendants' Addresses:

Marriot International, Inc, c/o Corporate Creations Network Inc., 15 North Mill Street, Nyack, NY 10960

Marriot Hotel Services, Inc , c/o Corporate Creations Network Inc., 15 North Mill Street, Nyack, NY 10960

'John Doe,' address is unknown.

'John Doe' Business Company, address is unknown.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
---X
BALJINDER SINGH,

Plaintiff,

-against-

VERIFIED COMPLAINT

MARRIOTT INTERNATIONAL, INC., MARRIOTT HOTEL SERVICES, INC, 'JOHN DOE', and 'JOHN DOE' BUSINESS COMPANY,

Defendants.
---X

Plaintiff Baljinder Singh by his attorney Leonid Krimsky of Krause and Associates, P.C. for his Verified Complaint states:

PARTIES

1. That at all times hereinafter mentioned, Plaintiff resided in Middlesex County in the State of New Jersey.

2. That at all times herein mentioned, the defendant Marriott International Inc., was a foreign business corporation authorized to conduct business in the State of New York with the principal place of business in this state in New York County.

3. That at all times herein mentioned, the defendant Marriott Hotel Services Inc., was a foreign business corporation authorized to conduct business in the State of New York with the principal place of business in this state in New York County.

4. That at all times herein, the defendant 'John Doe' was an individual whose name and residence information is presently unknown, who upon information and belief, on February 5, 2016 had an employment relationship with the defendants Marriott International Inc. or Marriott Hotel

Services, Inc. and whose place of employment was at The Algonquin Hotel located in New York, New York.

5. That at all times herein mentioned, the defendant 'John Doe' Business Company is an unknown business company who employed the defendant 'John Doe' on February 5, 2016.

BACKGROUND

6. Plaintiff repeats the allegations set forth in the preceding paragraphs as they are set forth in full herein.

7. That at all times herein mentioned, the defendant Marriott International Inc. managed, operated, and controlled The Algonquin Hotel, a hotel, located at 59 W 44th Street, New York, New York 10036.

8. That at all times herein mentioned, the defendant Marriott Hotel Services, Inc. managed, operated, and controlled The Algonquin Hotel, a hotel, located at 59 W 44th Street, New York, New York 10036.

9. That on February 5, 2016, at about 1:00pm, while Plaintiff Baljinder Singh was traveling by car outside The Algonquin Hotel on W 44 Street, he was assaulted by the defendant 'John Doe' who was in the course of employment assisting with parking a truck driver making the delivery to The Algonquin Hotel.

10. That as a result of the assault, Plaintiff has sustained a serious personal injuries including, but not limited to, a fractured vertebra in his neck.

A FIRST CAUSE OF ACTION: ASSAULT

11. Plaintiff repeats the allegations set forth in the preceding paragraphs as they are set forth in full herein.

12. That in addition to the defendant 'John Doe' being liable for the assault and the resulting injuries, the defendants Marriott International Inc., Marriott Hotel services, Inc., and 'John Doe' Business Company are too vicariously liable for the assault due to the defendant 'John Doe' being in the course of his employment with the defendants furthering their interests.

A SECOND CAUSE OF ACTION: NEGLIGENCE

13. Plaintiff repeats the allegations set forth in the preceding paragraphs as they are set forth in full herein.

14. That the assault and the resulting injuries came as a result of the negligent acts on the part of the defendants Marriott International Inc., Marriott Hotel services, Inc., and 'John Doe' Business Company in hiring and retention of the defendant 'John Doe.'

CONCLUSION

15. Plaintiff repeats the allegations set forth in the preceding paragraphs as they are set forth in full herein.

16. Plaintiff seeks compensatory and punitive damages against the Defendants in the sum exceeding the sum that could be awarded by the lower Courts that would have otherwise had jurisdiction over this action.

WHEREFORE, Plaintiff demands judgment against the Defendants in the sum this Court deems just and proper as well as the costs of this action.

Dated: New York, New York
February 3, 2017

Krause & Associates, P.C.
By Leonid Krimsky, Esq
Attorneys for Plaintiff
45 Broadway – 27th Floor
New York, New York 10006
(212) 269-7000

VERIFICATION

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

LEONID KRIMSKY, being duly sworn, deposes and says:

That I am an attorney admitted to practice in the courts of New York State, and hereby state:

I am an attorney associated with the law firm of Krause & Associates, P.C., attorneys of record for plaintiff, Baljinder Singh. I have read the foregoing VERIFIED SUMMONS AND COMPLAINT, and the same is true to my own knowledge except as to those matters alleged therein to be upon information and belief, as to those matters I believe them to be true. I make this verification instead of Baljinder Singh, as Mr. Singh does not reside in the county where Krause & Associates, P.C. maintain their offices.

LEONID KRIMSKY

Sworn to before me this
3rd day of February, 2017

Notary Public

MONICA L ESPINAL
Notary Public ... New York
...
Qualified in ... County
Commission Expires ... 20 18